



NYCRR Title 9, Executive

Subtitle T

New York State Gaming Commission

Chapter II

Division of Charitable Gaming

Subchapter D

Bingo Registration and Licensing

PART

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PART 4810

Registration and Identification

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§ 4810.1. Application requirements.

Every authorized organization desiring to apply for a license to conduct bingo shall register with the commission and secure an identification number before making any such application. An application for an identification number shall be made on form BC-1A as prescribed by the commission. Any organization that possesses an identification number but has not been licensed to conduct bingo for a period of one year must file with the commission a new form BC-1A prior to making application for a bingo license.

§ 4810.2. Information to be furnished.

(a) Every organization desiring to register and to receive an identification number shall set forth in writing to the commission the following information: the name of the organization; if a corporation, the type, where incorporated and when; if an association, whether incorporated or not; if incorporated, where and when; whether the organization is doing business under a trade name; a copy of the charter and bylaws; if incorporated, the articles of incorporation and the bylaws; if a charitable organization, the number of members; whether regular meetings are held and when; whether the organization maintains one or more bank accounts, if so, names and addresses of all such banks; bank where the organization intends to maintain its “special bingo account”; name of officer who would have responsibility for the utilization of all monies derived from the conduct of bingo; whether there are annual elections of officers; whether the organization has a board of directors or similar governing body and how often they meet; a statement as to whether the organization operates without profit to its members; a statement as to whether the organization has engaged in serving one or more of the lawful purposes as defined in the Bingo Licensing Law and this Chapter for a period of one year immediately prior to applying for a license; a specific, detailed statement as to what the organization intends to do with all monies derived from the conduct of bingo; and any additional information that may be required by the commission.

(b) This application must be signed as follows: if a religious organization or an affiliate thereof, by the priest or pastor or the president or chair of the board of directors of the congregation, synagogue or temple; if a charitable organization or an affiliate thereof, by the president; if an organization of veterans, by the commander; if an organization of volunteer firemen or an affiliate thereof, by the president. Notwithstanding the above, it is the intention of this section that the legally responsible official of the applicant organization shall sign in such official’s representative capacity.

§ 4810.3. Organizations required to register.

Every authorized organization, affiliate or auxiliary thereof, seeking to conduct or assist in the conduct of bingo pursuant to the Bingo Licensing Law, ordinance or local law and this Chapter, shall register with the commission and secure an identification number.

§ 4810.4. Validity of identification number.

The identification number shall be valid until suspended, revoked or surrendered. The commission may suspend the identification number of any registered organization that has not been licensed to conduct bingo during four consecutive months and should such suspension be imposed, the organization concerned shall request reinstatement prior to making application for a bingo license.

§ 4810.5. Form for registration.

After the furnishing of the information required by the commission, registration shall be upon form BC-1, as prescribed by the commission.

§ 4810.6. Registration as evidence of eligibility.

A municipality shall make its own investigation and determination of an applicant organization's eligibility for a license to conduct bingo, as required by the Bingo Licensing Law, notwithstanding the issuance of an identification number by the commission.

§ 4810.7. Use of identification number.

All applications for licenses, amendment of licenses, reports and any other papers relating to bingo shall bear the identification number of the organization.

§ 4810.8. Limit on identification numbers and licenses issued.

When an organization has more than two affiliates or auxiliaries, no identification number or license shall be issued to more than three such organizations.

§ 4810.9. Membership lists.

Every licensee must maintain a current membership list, which shall be available for inspection at all reasonable times. The commission and the municipal governing body may require any organization registered with it to file such a membership list, indicating thereon the current officers and directors, and file supplementary lists of additions and deletions in order to keep the master list up to date.

PART 4811

Bingo Licenses: Applications

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§ 4811.1. Form for application.

An application for a bingo license shall be made on form BC-2, as prescribed by the commission.

§ 4811.2. Premises to be used for conduct of bingo.

(a) In case the applicant intends to lease premises for the conduct of bingo from other than a licensed authorized organization, the application shall set forth the name and address of the licensed commercial lessor of such premises and the capacity or potential capacity, for public assembly purposes, of space in any premises owned or occupied by the applicant.

(b) Where the applicant does not own the premises intended for use, and the clerk of the municipality has notified the applicant that its request to lease premises has been approved, a duplicate original of the lease executed by the applicant and lessor must be furnished to both the clerk of the municipality and the commission. Any amendment or change in the terms or conditions of the lease shall be in writing and furnished in the same manner as the duplicate original lease, within seven days of the date the amendment or change is made.

§ 4811.3. Schedules.

Form BC-2 and accompanying schedules 1 to 7 must be executed and verified. Where a license has expired (see section 4812.7 of this Subchapter) and an application for another license is made, form BC-2 shall be used together with schedules 1 to 7. However, where a license is to be amended and there is no change in the contents of any particular schedule from the schedules previously filed, a statement to that effect shall appear in the application and those schedules may be omitted.

§ 4811.4. Where application is filed.

A license application shall be filed in triplicate with the clerk of the municipality. One copy shall be retained by the clerk of the municipality, a copy shall be delivered forthwith to the local law enforcement agency, and one copy shall be forwarded to the commission by the clerk of the municipality.

§ 4811.5. Conditions for accepting application.

No application shall be accepted unless such application bears the identification number assigned by the commission and is accompanied by the license fee.

§ 4811.6. License register.

The clerk of the municipality shall keep a license register on form BC-8, as prescribed by the commission.

§ 4811.7. Reinstatement of license.

When a license has been suspended or revoked and the suspension or revocation is set aside and the license reinstated, the original license shall not be reissued. In such case the applicant shall file a new application and a new license shall be issued.

§ 4811.8. Cancelled bingo occasions.

If a bingo occasion is cancelled by the licensee due to an unforeseen occurrence or extreme weather condition, the commission or the municipality that issued the license may, in its discretion, and if notified on the next business day following the schedule occasion, permit said licensee to reschedule the cancelled occasion within a reasonable time without payment of an additional fee. The licensee must apply for the rescheduled date(s) in accordance with Part 4813 of this Subchapter.

§ 4811.9. Refund of license fee.

(a) The following shall be the grounds for the payment of a refund on account of a license fee paid pursuant to the provisions of the Bingo Licensing Law:

(1) In the event that an application for a license or an application to amend a license is not granted, the fee paid with such application shall be returned to the applicant. An application for such refund may be made within one year of the denial of the application for a license or the application to amend a license.

(2) In the event that a licensee of a license issued pursuant to the provisions of the Bingo Licensing Law shall voluntarily discontinue the conduct of bingo for which such license was issued, the unused portion in excess of \$50 of paid license fees shall be refunded. An application for such refund may be made within one year of the voluntary discontinuance of the conduct of bingo for which such license was issued.

(3) In the event that a licensee of a license issued pursuant to the provisions of the Bingo Licensing Law shall relocate to another municipality, the unused portion in excess of \$50 of paid license fees shall be refunded to such licensee. An application for such refund may be made within one year of the relocation of such licensee to another municipality.



(b) Any refund made pursuant to this section shall be paid from license fees collected pursuant to the provisions of the Bingo Licensing Law or from other moneys lawfully appropriated for such purpose.

PART 4812

Bingo Licenses: Issuance

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§ 4812.1. Approval by municipality.

Upon investigation by the municipal governing body and approval of a license application or an amendment of a license, the duly authorized officer of the municipality shall record the findings and determination in duplicate on form BC-4, "Findings and Determination for Bingo License" as prescribed by the commission.

§ 4812.2. Period within which to make findings and determination.

At least seven days shall elapse between the time the original application is filed and the time when the municipal governing body makes its findings and determination.

§ 4812.3. Issuance by clerk.

A copy of the findings and determination of the municipal governing body shall be sent to the clerk of the municipality who shall issue the license if the application is approved. If the application is not approved, the clerk of the municipality shall give due notice to the applicant in writing of a hearing to be held upon the qualifications of the applicant and the merits of the application. A copy of such notice shall be furnished the commission.

§ 4812.4. Time when copies must be received by commission.

One copy of the “Findings and Determination for Bingo License” together with two copies of the application must be received by the commission at least five days prior to the holding of the first game authorized.

§ 4812.5. License form.

The clerk of the municipality shall issue a license on form BC-5 as prescribed by the commission. In the case of limited period bingo the clerk shall enter thereon the charge for a single opportunity to participate in one game.

§ 4812.6. Distribution of copies by clerk.

The clerk of the municipality shall prepare the license in triplicate, issuing the original to the licensee, retaining a copy and forwarding a copy to the local law enforcement agency.

§ 4812.7. Time during which license is effective.

No license for the conduct of any game of bingo shall be effective for a period of more than one year from the date of original issuance. No license, after its issuance, shall be amended so as to render it valid beyond a period of one year from the date of its original issuance. In the case of limited period bingo, no license shall be issued authorizing the conduct of such games on more than two occasions in any one day nor shall any license be issued that shall be effective for a period of more than seven of 12 consecutive days in any one calendar year.

§ 4812.8. Joint licenses.

No joint license for the conduct of any game of bingo shall be issued.

§ 4812.9. Jurisdiction of license.

(a) The municipal governing body shall, prior to the issuance of any license, make a finding that the applicant organization is domiciled within the territorial limits of the municipality and shall not issue a license to an organization domiciled beyond such territorial limits.

(b) A municipal governing body may, upon a finding that an applicant organization is domiciled beyond the territorial limits of such municipality, issue a license to such applicant organization only in cases where:

(1) the governing body of the municipality in which the applicant organization is seeking licensure and the commission determine that, due to some condition of

hardship or necessity, the conduct of bingo in the municipality in which the applicant organization is seeking licensure is warranted;

(2) the municipality in which the applicant authorized organization is seeking licensure submits to the commission a Letter of Consent expressing such municipality's willingness to license the applicant authorized organization;

(3) the premises for which the authorized organization is seeking its license to conduct bingo is within the territorial limits of the municipality wherein licensure is being sought and such premises have been approved by that municipality for the conduct of bingo; and

(4) the commission has issued the applicant authorized organization a bingo identification number bearing the municipal code of the licensing municipality.

§ 4812.10. Fees.

The initial license fee shall be \$18.75 for each occasion of bingo.

§ 4812.11. Hours; occasions.

All occasions of regular bingo shall be conducted between the hours of 9 a.m. and 12 midnight and no more than three occasions of bingo shall be conducted in the same premises during said hours.

PART 4813

Bingo Licenses: Amendment

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§ 4813.1. Forms for filing application to amend.

An application to amend a license shall be made to the municipal governing body on form BC-6, "Application to Amend Bingo License," as prescribed by the commission. However, where there is no change in any schedule previously filed, a statement to that effect shall appear in the application and that schedule may be omitted. This form must be used where an amendment is sought and the license is still in effect.

§ 4813.2. When amendment is allowed.

An amendment of a license may be made if the subject matter of the amendment could properly and lawfully have been included in the original license, and if any fee is due it shall be paid upon the filing of the application to amend.

§ 4813.3. How application is processed.

The application to amend a license together with appropriate schedules shall be filed in triplicate and processed in the same manner as provided in this Chapter for original applications.

§ 4813.4. Procedure when application is approved.

When the municipal governing body approves of an amendment to a license which would change such terms of the original license as are affected by schedule 1, 2, 3, 4, 6 or 7 submitted with the application to amend, it may amend the original license by attaching thereto a duly authenticated rider bearing the seal of the municipality, if available, or on the official letterhead of such licensing authority. When the municipal governing body amends a license so as to extend the effective date therein to authorize any subsequent occasion or occasions requested in schedule 5, such license shall be returned and a new license issued.

PART 4814

Commercial Lessor: Application and Licensing*

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* For Rules regarding the conduct of bingo in leased premises, see Part 4822 of this Chapter.

- 4814.17 Interest in another commercial bingo hall prohibited
- 4814.18 Limitations on food concession owner and employees

§ 4814.1. Form for application.

Application for a license as an authorized commercial lessor shall be made on form BC-101, as prescribed by the commission. The original application with supporting material as set forth in this Part shall be filed with the licensing authority of the municipality where the premises are located and one copy with supporting material with the commission.

§ 4814.2. Bingo rental statement.

Each application shall be accompanied by a bingo rental statement on form BC-102, as prescribed by the commission.

§ 4814.3. Individual and business entity statement.

Where the applicant is an individual, the application shall be accompanied by an individual statement on form BC-103, as prescribed by the commission. Where the applicant is a partnership, association, joint venture or any business entity other than a corporation, the application shall be accompanied by a business entity statement on form BC-104 as prescribed by the commission. Each person named in form BC-104 shall file an individual statement on form BC-103.

§ 4814.4. Corporation statement.

If the applicant is a corporation, the application shall be accompanied by a corporation statement on form BC-105, as prescribed by the commission. Each stockholder shall file an individual statement on form BC-103. The application shall also be accompanied by a list of employees, agents or representatives on form BC-108.

§ 4814.5. [Reserved]

§ 4814.6. Requisites for license.

No license as an authorized commercial lessor shall be granted:

(a) if any person whose signature or name appears in the application is not in all respects the real party in interest or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest; and

(b) unless the licensing authority of the municipality where the premises are located shall determine after thorough investigation that the applicant satisfies the requirements for an authorized commercial lessor as defined in section 476 of the bingo licensing law; and

(c) unless the licensing authority of the municipality where the premises are located has received an approved schedule of maximum rentals for the premises concerned from the commission; and

(d) unless the licensing authority of the municipality where the premises are located has found and determined that at the time of the issuance of an initial license that there is a public need and that public advantage will be served by the issuance of such license.

§ 4814.7. Hearings.

The commission and the licensing authority of the municipality where the premises are located may hold hearings at which the applicant, or if the applicant is a corporation, its officers, directors and stockholders, shall appear and testify under oath respecting the contents of the application.

§ 4814.8. Issuance by clerk.

When the licensing authority of the municipality where the premises are located has determined that the applicant possesses the requisite qualifications to receive a license, the licensing authority shall issue a license to an applicant as an authorized commercial lessor upon payment by the applicant of a license fee to be determined in accordance with the schedule contained in section 481 of the bingo licensing law.

§ 4814.9. Disapproval procedure.

If the application is not approved, the licensing authority where the premises are located shall give due notice to the applicant, in writing, of a hearing to be held upon the qualifications of the applicant and the merits of the application.

§ 4814.10. Notification of commission.

The licensing authority of the municipality where the premises are located shall notify the commission of the final determination respecting each license application received.

§ 4814.11. Grounds for revocation or suspension.

Any license issued to an authorized commercial lessor, pursuant to the bingo licensing law, may be revoked or suspended for such period of time as the licensing authority deems to be in the public interest for any of the following acts or omissions on the part of the licensee, its agents or employees, or any person required by the bingo licensing law or this Chapter to sign or be identified in an original application for a license:

(a) any cause that would have permitted or required disqualification of the licensee from receiving a license upon original application;

(b) fraud, deceit or misrepresentation in securing the license or in the conduct of the licensee's activities or in connection with any application submitted to, or any inquiry, hearing or proceeding conducted by the licensing authority or the commission;

(c) failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of its activities as an authorized commercial lessor;

(d) failure to keep said books and records available during business hours for inspection by the licensing authority or by the commission and their duly designated representatives until the expiration of the second calendar year following the calendar year during which the transactions reported therein occurred;

(e) violation of any provisions of the bingo licensing law, this Chapter, or any lease executed pursuant to this Chapter.

§ 4814.12. Time during which license is effective.

A license as an authorized commercial lessor shall be valid for a period not exceeding one year or until revoked or suspended by the licensing authority or by the commission.

§ 4814.13. Limitation upon applicant for commercial license.

No applicant for a license as an authorized commercial lessor shall rent, or allow the use of, the premises for which a license is sought, for the conduct of bingo. This section shall not apply to an applicant for the annual renewal of a commercial lessor's license.

§ 4814.14. License form.

Licenses for authorized commercial lessors shall be issued on form BC-109 as prescribed by the commission.

§ 4814.15. Establishment of maximum rentals.

Upon receipt of a copy of an application for a license as an authorized commercial lessor, the commission shall determine the tentative maximum rental for the premises concerned and advise both the applicant and the licensing authority of such determination. The applicant shall be afforded a reasonable time within which to protest the tentative maximum rental by specifying the objections thereto and the grounds for such objections. In the absence of any such protest, the tentative maximum rental shall, without further notice, be deemed to be the final determination of the commission. The rental schedule is based upon a review of the Bingo Rental Statement (Form BC-102) and is determined on the basis of a 50-week year. The commission, in determining rental fees to be fair and reasonable, considers actual or estimated operating expenses and other income:

(a) *Allowable operating expenses.*

- (1) Compensation, as it relates to the management of the bingo premises, that is computed on a per occasion basis. Management duties include, but are not limited to:
 - (i) Responsibility for the cleanliness and proper maintenance of the premises;
 - (ii) Supervision of other employees of the lessor;
 - (iii) Receipt of the rent checks from the lessees and the preparation of the monthly rental statement;
 - (iv) Computation and payment of salaries and wages paid to porters, matrons and security guards;
 - (v) Computation and payment of payroll taxes, including the applicant's contributions for social security, State and Federal unemployment insurance, disability benefits insurance and union welfare funds.
- (2) Maintenance expenses, including services provided for cleaning, floor waxing, and other building-related service contracts that have been furnished to the commission and licensing municipality.
- (3) Utility expenses, including the cost of providing adequate heat, air conditioning, light, electrical power and water.
- (4) Repairs, including those repairs for which the applicant is responsible under its lease and that are not depreciable.
- (5) Taxes, including real estate, occupancy, water and corporate franchise taxes, but not including income taxes.
- (6) Interest on money borrowed at the current bank rate for operation of the bingo premises and interest on loans for initial conversion and leasehold acquisition, which may be amortized.
- (7) Depreciation of buildings, furniture, equipment and major improvements under a reasonable use expectancy schedule approved by the commission.
- (8) Accounting fees, provided the services are properly itemized.
- (9) Insurance premiums paid for coverage that is reasonable and necessary for the operation of the bingo premises. To facilitate commission review, a copy of the broker's statement of the insurance premiums must be furnished to the commission.

Insurance coverage or pension contributions for the benefit of the officers or principals of the applicant or their designees are prohibited.

(10) Legal fees, including those incurred in connection with the initial application for license, if reasonable. The commission may require, in some cases, that such costs be amortized.

(11) Rubbish removal expenses considered fair and reasonable. The municipal governing body or the commission may require a copy of the current contract, prior to approval.

(12) Telephone expenses considered necessary and reasonable.

(13) Supplies directly related to the operation of the bingo premises.

(14) License fees, as provided for in section 481 of the General Municipal Law.

(15) Other expenses such as postage, stationary, bank charges, permits and equipment rentals, when reasonable and properly itemized.

(16) Amortization: The cost of converting the subject premises for the conduct of bingo, or the cost of acquiring a leasehold interest may be recovered as a capital expenditure by amortization over a period of not less than 10 years, subject to commission approval. However, amortization is not considered an operating expense in the determination of the reasonable profit.

(17) Rental fees in the amount established in the lease between the applicant and the owner/lessor of the building that are deemed reasonable by the commission. A copy of said lease shall be provided to the commission along with the application for commercial lessor's license. To determine the reasonableness of such rental fees, the commission may consider appraisals and the rental fees of other comparable premises. In cases where the principal(s) of the applicant is also the principal(s) owner or the lessor of the bingo premises, the commission will permit, in lieu of rent, those expenses relating only to the ownership of the premises. Such expenses are limited to mortgage interest, real estate taxes, depreciation and insurance.

(b) Other income. The applicant must report all other income derived from the use of the premises. Such other income includes, but is not limited to:

(1) Concession income, which includes:

(i) all income specified in the lease agreement between the applicant lessor and the operator of the food concession; and

(ii) all income derived from the food concession if such facility is wholly owned and operated by the applicant lessor; and

(2) Income derived from rentals for purposes other than bingo, parking fees, vending machines and public telephone commissions.

§ 4814.16. Recapitulation of fees.

At the end of the license period, a recapitulation shall be made as between the licensee and the licensing authority with respect to the gross rental received during the license period and the license fee previously paid. Any deficiency of fee thereby established to be due shall be paid by the licensee and, should said licensee apply for a license for a subsequent year, and in that event only, shall any excess of fee be credited to said applicant.

§ 4814.17. Interest in another commercial bingo hall prohibited.

No person, firm or corporation shall be eligible to receive or be issued a license as a commercial lessor if such person, firm, corporation, or officer, employee or stockholder thereof, or a person married or related in the first degree to such person, officer, employee or stockholder shall have any interest, direct or indirect, in another commercial bingo hall. The interest prohibited shall include, but not be limited to, the interest of the owner of the fee or sublessor of any premises that is to be used for the conduct of bingo, the interest of the owner or operator of the food and refreshments concession, or the interest of any person conducting any business activity in conjunction with the conduct of bingo.

§ 4814.18. Limitations on food concession owner and employees.

No principal, employee or any other person having any interest in the food and refreshments concession of a licensed commercial lessor shall serve in any capacity on behalf of the licensed commercial lessor or have any proprietary interest in the licensed commercial lessor. These limitations do not apply where the food and refreshments facility is wholly owned and operated by the licensed commercial lessor.

PART 4815

Bingo Supplier: Application and Licensing

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§ 4815.1. License required.

No person, firm or corporation shall sell or distribute bingo supplies or equipment to any authorized organization licensed to conduct bingo without having first obtained a license therefor as provided in the bingo control law and this Chapter.

§ 4815.2. Form for application.

Application for a license as a bingo supplier shall be made on form BC-106 as prescribed by the commission. The application with supporting material as set forth in this Part, shall be filed in duplicate with the commission.

§ 4815.3. Individual and business entity statement.

Where the applicant is an individual, the application shall be accompanied by an individual statement on form BC-103. Where the applicant is a partnership, association, joint venture or any business entity other than a corporation, the application shall be accompanied by a business entity statement on form BC-104. Each person named in form BC-104 shall file an individual statement on form BC-103.

§ 4815.4. Corporation statement.

If the applicant is a corporation, the application shall be accompanied by a corporation statement on form BC-105. Each stockholder shall file an individual statement on form BC-103.

§ 4815.5. List of employees, agents or representatives.

The application shall be accompanied by a statement on form BC-108 as prescribed by the commission, containing a list of all employees, agents or representatives of the applicant.

§ 4815.6. Requisites for license.

No license as a bingo supplier shall be granted:

(a) if any person whose signature or name appears on the application is not in all respects the real party in interest or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest; and

(b) unless the commission shall determine that the applicant satisfies the requirements for a bingo supplier as set forth in the bingo control law.

§ 4815.7. Hearings.

The commission may hold hearings at which the applicant, or if the applicant is a corporation, its officers, directors, and stockholders shall appear and testify under oath respecting the contents of the application.

§ 4815.8. Issuance by commission.

When the commission has determined that the applicant possesses the requisite qualifications to receive a license, the commission shall issue a license as a bingo supplier upon payment by the applicant of a license fee to be determined in accordance with the schedule contained in the bingo control law.

§ 4815.9. Disapproval procedure.

If the application is not approved, the commission shall give due notice to the applicant, in writing, of a hearing to be held upon the qualifications of the applicant and the merits of the application. At the hearing the burden of proof shall be on the applicant to establish eligibility for a license.

§ 4815.10. Grounds for revocation or suspension.

Any license as a bingo supplier issued pursuant to the bingo control law may be revoked or suspended for such period as the commission deems in the public interest for any of the following acts or omissions on the part of the licensee, the licensee's agents or employees, or any person required by the bingo control law or this Chapter to sign or be identified in an original application for a license:

- (a) any cause that would have permitted or required disqualification of the licensee from receiving a license upon an original application;
- (b) fraud, deceit or misrepresentation in securing the license or in the conduct of the licensee's activities or in connection with any application submitted to, or any inquiry, hearing or proceeding conducted by the commission;
- (c) failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of such licensee's activities as a licensed bingo supplier;
- (d) failure to keep said books and records available during business hours for inspection by the commission and the commission's duly designated representatives until the expiration of the second calendar year following the calendar year during which the activities reported therein occurred;
- (e) violation of any provision of the bingo control law or this Chapter.

§ 4815.11. Persons prohibited from participating in the conduct of bingo.

No person who is directly or indirectly connected with the manufacture, sale or distribution of bingo equipment or supplies or such person's agents or employees shall conduct, participate, advise or assist in the conduct of bingo, render any service or give or loan money or anything of value, whether directly or indirectly to a commercial lessor, agent or representative, or to anyone conducting, participating or assisting in the conduct of bingo, or prepare any form pertaining to bingo. This shall not be construed so as to prohibit a licensed manufacturer or supplier from selling, offering for sale, or explaining a product to a licensed authorized organization or installing or servicing bingo equipment upon the premises of a licensed authorized organization.

§ 4815.12. Bingo supplier to notify commission of all changes in structure.

An applicant for a license as a bingo supplier shall, during the pendency of the application, notify the commission immediately of any change respecting any facts set forth in the application. If any such change occurs after the issuance of the license applied for, the change must be reported to the commission within 10 days of the date of the change. Furthermore, every licensed bingo supplier shall notify the commission of any change in its organization, structure, mode of operation, or of any change in the identity of persons named or required to be named in the application, or of the nature or extent of their interest, or of any other change respecting any facts set forth in the application, within 10 days of the date of such change. Failure to give the notice herein provided shall constitute sufficient cause for denial of a pending license or suspension or revocation of a license that has been granted.

§ 4815.13. Maintenance of books and records.

All licensed bingo suppliers shall maintain their books and records in such manner as to enable the commission to determine the gross sales of bingo equipment and supplies to authorized organizations duly licensed to conduct bingo games in the State of New York.

§ 4815.14. Sales to other than licensed organizations prohibited.

(a) No licensed bingo supplier, such supplier's duly authorized agents, salespersons or representatives shall, during the term of such license, sell or distribute bingo supplies or equipment in the State of New York to other than:

- (1) an authorized organization that is licensed to conduct bingo,
- (2) any apartment, condominium or cooperative complex, retirement community, or other group residential complex or facility located within a municipality that has authorized the conduct of bingo games by authorized organizations where:
 - (i) such games are sponsored by the operator of or an association related to such complex, community or facility;
 - (ii) such games are conducted solely for the purpose of amusement and recreation of its residents;
 - (iii) no player or other person furnishes anything of value for the opportunity to participate;
 - (iv) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;
 - (v) such games are not conducted on more than fifteen days during any calendar year; and
 - (vi) no person other than an employee or volunteer of such complex, community or facility conducts or assists in conducting the game or games.
- (3) any bona fide social, charitable, educational, recreational, fraternal or age group organization, club or association located within a municipality that has authorized the conduct of bingo games by authorized organizations solely for the purpose of amusement and recreation of its members or beneficiaries where:
 - (i) no player or other person furnishes anything of value for the opportunity to participate;



(ii) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;

(iii) such games are not conducted on more than fifteen days during any calendar year;

(iv) no person other than a bona fide active member of the organization, club or association participates in the conduct of the games; and

(v) no person is paid for conducting or assisting in the conduct of the game or games.

(4) a hotel, motel, recreational or entertainment facility or common carrier where bingo games are played as a social activity solely for the purpose of amusement and recreation of its patrons within a municipality that has authorized the conduct of bingo games by authorized organizations where:

(i) no player or other person furnishes anything of value for the opportunity to participate;

(ii) the value of the prizes shall not exceed \$10 for any one game or a total of \$150 in any calendar day;

(iii) such games are not conducted on more than fifteen days during any calendar year;

(iv) no person other than an employee or volunteer conducts or assists in conducting the game or games; and

(v) the game or games are not conducted in the same room where alcoholic beverages are sold.

(b) A licensed commercial lessor shall not buy, sell, or provide any bingo opportunities or, except as reflected in such lessor's commission-approved lease agreement(s), any other bingo supplies or equipment.

§ 4815.15. Transaction of business during conduct of bingo prohibited.

All licensed bingo suppliers, their duly authorized agents, salesmen and representatives are forbidden to be present during the conduct of bingo for the transaction of business, except if authorized by the licensed authorized organization.

§ 4815.16. Time during which license is effective.

A licensee as a bingo supplier shall be valid for a period not exceeding one year or until revoked or suspended by the commission.

§ 4815.17. Temporary permit.

The commission may issue a temporary permit to an applicant pending final action on the application. Any such temporary permit shall be valid until withdrawn by the commission.

§ 4815.18. License form.

A license as a bingo supplier shall be issued on form BC-107 as prescribed by the commission.

§ 4815.19. Recapitulation of fees.

At the end of the license period, a recapitulation shall be made as between the licensee and the commission with respect to the gross sales recorded during the license period and the license fee previously paid. Any deficiency of fee thereby established to be due shall be paid by the licensee and, should said licensee apply for a license for a subsequent year, and in that event only, shall any excess of fee be credited to said applicant.

§ 4815.20. Identity on bingo cards.

No licensed supplier shall sell any type of bingo card unless there is printed thereon the name, mark or symbol of the printer or manufacturer which name, mark or symbol has been registered with the commission.

§ 4815.21. Supplier's gifts, donations and loans prohibited.

A licensed supplier shall not agree to or sell or distribute bingo supplies or equipment at less than fair market value.